BILL NO. Z-83-02-13 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- 17-84

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-22 & I-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Commencing at the Southwest corner of the East Half of the Southwest Quarter of Section 28, Washington Township, Allen County, Indiana; thence East along the centerline of Butler Road a distance of 2,640 feet to a point; thence North a distance of 660 feet to a point; thence West along the line parallel to the centerline of Butler Road a distance of 2,640 feet; thence south 660 feet to the point of beginning; said description contains 40 acres.

and the symbols of the City of Fort Wayne Zoning Map No. H-22 & I-22, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. This ordinance has been amended by request of the petitioner. This request having been made at the January 23, 1984 business meeting of the City Plan Commission.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. Z-83- 02-13

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-22 & I-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated ~~a~~ P.O.D. (Professional Office District) and an M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Commencing at the Southwest corner of the East Half of the Southwest Quarter of Section 28, Washington Township, Allen County, Indiana; thence East along the centerline of Butler Road a distance of 2,640 feet to a point; thence North a distance of 660 feet to a point; thence West along the line parallel to the centerline of Butler Road a distance of 2,640 feet; thence south 660 feet to the point of beginning; said description contains 40 acres.
>
> The said zoning petition requests that the north 20 acres of the above described tract be rezoned to M-1, Light Industrial; and the South 20 acres be classified as a P.O.D., professional office district;

and the symbols of the City of Fort Wayne Zoning Map No. H-22 & I-22, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 2-8-83

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	___	1	_____	_____	_____
BRADBURY	___	1	_____	_____	_____
BURNS	✓	___	_____	_____	_____
EISBART	✓	___	_____	_____	_____
GiaQUINTA	✓	___	_____	_____	_____
HENRY	✓	___	_____	_____	_____
REDD	✓	___	_____	_____	_____
SCHMIDT	✓	___	_____	_____	_____
STIER	✓	___	_____	_____	_____
TALARICO	✓	___	_____	_____	_____

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-17-84 on the 14th day of August, 19 84,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Ray A. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 19 84, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 19 84, at the hour of 3:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Centennial Development Corporation - Paul Sites, President
(Applicant's Name or Names)

o hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne ndiana, by reclassifying from a/an R-1 District to a/~~an P.U.D.~~ and M-1 district the property described as follows:

The South Twenty (20) acres of the East 1/2 of the Southwest 1/4 of Section 28, Township 31 North, Range 12 East in Allen County, Indiana (Document Number 82-018178) and the South Twenty (20) acres of the West 1/2 of the Southeast 1/4 of Section 28, Township 31 North, Range 12 East in Allen County, Indiana (Deed Record 659, page 252).

Plan attached.

See Attached Legal

(Legal Descrption) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Northside Realty Corp.

By: Clifford E. Simon, Jr., Its Secretary
(Name)

500 East State Boulevard

P. O. Box 5015

Fort Wayne, Indiana 46895
(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Orrin Sessions
(Name)

6700 E. State Blvd.
(Address & Zip Code)

749-0425
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)
Centennial Development Corp.		
By Paul W. Seitz, Pres.		

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

Clifford E. Simon,

LEGAL FOR CENTENNIAL

LEGAL DESCRIPTION
FOR THE 20 ACRE M-1 ZONING PETITION
AND
20 ACRE P.O.D. ZONING PETITION
FOR CENTENNIAL INDUSTRIAL AND BUSINESS PARK

Commencing at the Southwest corner of the East Half of the Southwest Quarter of Section 28, Washington Township, Allen County, Indiana; Thence East along the centerline of Butler Road a distance of 2,640 feet to a point; Thence North a distance of 660 feet to a point; Thence West along the line parallel to the centerline of Butler Road a distance of 2,640 feet; Thence South 660 feet to the point of beginning; Said description contains 40 acres.

The said zoning petition requests that the north 20 acres of the above described tract be rezoned to M-1, light industrial; and the South 20 acres be classified as a P.O.D., professional office district.

CENTENNIAL BUSINESS PARK REZONING PETITION

TO ESTABLISH A P.O.D. DISTRICT

ON 20 ACRES LOCATED ON THE NORTH SIDE OF BUTLER ROAD

WITHIN SECTION 28 OF WASHINGTON TOWNSHIP, ALLEN COUNTY, INDIANA

I. Declaration By Developer

The 20 acre POD is located within a 20 acre site on the north side of Butler Road. The site is generally rolling, having an elevation variation from 797 to 824. The site has two existing ponds that are located in the future storm water retention basin. These ponds will be retained when the basins are constructed in their final form. The plan contains 8 tracts, each being approximately 2 acres in size. The buildings to be placed on the tracts are to be custom designed, professional business buildings, set back 195 feet from Butler Road. The buildings are to be served by service drives so that each individual parking lot will not have an access point onto Butler Road. There is to be an earth mound accented with landscaping adjoining Butler Road. This mound will allow the buildings to be seen but will screen the parking and will help retain the beautiful country atmosphere that is now so evident along Butler Road.

II. Factors Considered In The Evaluation

The proposed 20 acre site sits in the near northwest side of the City of Fort Wayne. It is close to I 69, existing business' along Coliseum Blvd. and Interstate Industrial Park, the City of Fort Wayne has more than adequate sewer and water facilities that can be extended to the site, Indiana and Michigan Electric and Northern Indiana Public Service Company has electricity and gas to serve this site. Because of the location, its available of utilities, and the beautiful rolling character of the ground, it is felt that the 20 acre site will be a quality area for new and growing business' to be located. An area such as this will perpetuate the image of the business' locating in this area as well as bring quality employees and tax base into Fort Wayne.

III. Common Open Space

All of the acreage shown within the tracts will be owned and maintained by the property owners. This maintenance will be assured by established deed restrictions that will require initial high quality landscaping as well as sound maintenance in the future. The plan shows two storm retention basins noted as Basin B and Basin C. This land will be owned by a mandatory Community Association that will assess all property owners within Centennial Industrial and Business Park, a specific amount per acre to assure the perpetual maintenance of the facilities. The facilities have two roles, one is to hold back excess storm water, the other is to be a perpetual amenity that will compliment the appearance of all properties within the park. Each storm basin will contain a permanent pool of water and the surrounding areas will be landscaped for the use of the occupants of the park.

IV. Location and Purpose Of All Structures

The eight structures shown on the development plan are to be set back from Butler Road 195 foot at a minimum. They shall be used for general business use as limited and allowed by the POD district. These structures are to be custom designed and be of quality construction. The exteriors of each building will be approved by the project architectural control committee and it is hoped that we will obtain a variety of buildings with pleasing architecture along Butler Road.

V. Utilities

(a) Sanitary Sewer: The NuHuas Interceptor shall provide sanitary sewer service to this 20 acre tract. The main is located approximately 1,320 feet south of Butler Road. The developer will work with the City to bring a 12" main north to Butler Road to serve the site.

(b) Water: The site will be served by a 16" main that is located currently

within Centennial Industrial Park. According to the City water master plan, at a future date this main will be looped to tie to future mains along Butler and Hilegas Road.

RESTRICTIVE COVENANTS

CENTENNIAL DEVELOPMENT CORPORATION, an Indiana corporation, by Paul W. Seitz, its President, hereby declares that it is the owner of record of the following described real estate in the City of Fort Wayne, Allen County, Indiana, to-wit:

> Commencing at the Southwest corner of the East half of the Southwest Quarter of Section 28, Washington Township, Allen County, Indiana; thence East along the centerline of Butler Road a distance of 2,640 feet to a point; thence North a distance of 660 feet to a point; thence West along the line parallel to the centerline of Butler Road a distance of 2,640 feet; thence south 660 feet to the point of beginning; containing 40 acres more or less (hereinafter called the "Real Estate").

CENTENNIAL DEVELOPMENT CORPORATION, by its president, Paul W. Seitz, for and in consideration of the Common Council of the City of Fort Wayne, Indiana approving a zoning ordinance amendment of the existing zoning classification of the Real Estate from R-1 to M-1, does hereby impose upon the Real Estate, the restrictive covenants hereinafter set forth, which covenants shall run with the land and be considered as part of the conveyance of the Real Estate, or any portion thereof, without such restrictions being expressly stated in such conveyance, and which covenants shall inure to the benefit of and be enforceable by the City of Fort Wayne, Indiana and/or adjacent land owners, to-wit:

1. Prior to the construction of any improvements upon the Real Estate, a development plan shall be filed by the owner(s) of the Real Estate, with the Plan Commission of the City of Fort Wayne, Indiana (hereinafter called the "Plan Commission"), which development plan must thereafter be approved by the Plan Commission in accordance with the provisions of the Zoning Ordinance of the City of Fort Wayne, Indiana.

2. Neither the owner(s) nor any party interested in the Real Estate shall be permitted or allowed access from Butler Road to or from the Real Estate for a period of ten (10) years from the date of recordation of this instrument. Thereafter, prior to any such access being permitted or allowed, the Plan Commission shall conduct

a public hearing with regard thereto, with notice to all interested parties, including the owners of record of property adjacent to the Real Estate.

3. Prior to any development of the Real Estate, such site-screening to the east, west and south thereof, as may be required by the Plan Commission, shall be completed.

4. The Real Estate may not be used for any of the following purposes, to-wit:

(a) fuel yard;

(b) chick hatcheries

(c) fertilizer storage

(d) gas station

(e) tire store

(f) liquor store; or

(g) drive-in theater.

The undersigned person executing this covenant represents and certifies on behalf of Centennial Development Corporation that he is a duly elected officer thereof and has been fully empowered by proper resolution, or the by-laws of said corporation, to execute and record this covenant; that Centennial Development Corporation is a corporation in good standing in the State of Indiana; that said corporation has full corporate capacity to impose the covenants set forth hereinabove; and that all necessary corporate action for the making of this covenant has been duly taken.

CENTENNIAL DEVELOPMENT CORPORATION

By: Paul W Seitz
Paul W. Seitz, its President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared Paul W. Seitz, the President of Centennial Development Corporation, who acknowledged execution of the foregoing Restrictive Covenants for and on behalf of said corporation, and who, having been

duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 14 day of June, 1984.

Joan Brouwer
Notary Public
Resident of Allen County, Indiana

My Commission Expires:

10/22/85

Prepared by Phillip A. Renz, Attorney at Law.

Hold for 2 week from 7/24/84 Committee of the Whole

BILL NO. Z-83-02-13 (AS AMENDED)

REPORT OF THE COMMITTEE ON ~~REGULATIONS~~ Committee of the Whole

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wyane Zoning Map No. H-22 & I-22

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS. with restrictions

JANET G. BRADBURY, CHAIRWOMAN — Janet G Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN — Samuel J. Talarico

CHARLES B. REDD — Charles B. Redd

MARK E. GiaQUINTA

JAMES S. STIER

CONCURRED IN 8-14-84

SANDRA E. KENNEDY, CITY CLERK

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indaina, on February 8, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-02-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and.

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 13, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted by the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at tis next regular meeting.

This is to certify taht the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1984.

Certified and signed this
20th day of July 1984.

Melvin O. Smith
Secretary

FACT SHEET

Z-83-02-13 (AS AMENDED)
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment	None	

DETAILS

Specific Location and/or Address
North side of Butler Road, east of Hillegas and west of the GR&I railroad.

Reason for Project
To develop a high quality industrial park.

Discussion (Including relationship to other Council actions)

Petitioners stated that Centennial Corporation is a not-for-profit orgainzation which intends to develop the property into a high quality industrial park for the purpose of attracting "high tech" industry. They stated they intend to maintain the "park like" setting of the property. They stated that there were no high quality industrial parks within the City at the time and this would have substantial drawing power in terms of jobs for the City.

Recommendation was deferred at the February 26th business meeting in order to give interested parties an opportunity to continue the present series of discussions and hopefully reach a compromise.

At the March 26th Business Meeting there were two votes taken. The 1st vote was a recommended Do Pass with the condition that the South 20 acres be perfected to a Professional Office District. The recommendation lost with a vote of 4 yeas to 4 nays.

The second motion was to return the ordinance to the Common Council with a DO PASS rec-

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Centennial Development Corp. City Department Other
Opponents	Groups or Individuals Jim Federhoff, atty for Bass-Leesburg Association Basis of Opposition - traffic congestion - detriment to residential environment
Staff Recommendation	[X] For [ ] Against AS AMENDED - See Reverse Si Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [ ] No Action Taken [X] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

ommendation and to rezone the entire parcel from R-1 to M-1 with the following conditions submitted by the Centennial Development Corp.

1. The land in question shall be zoned M-1.
2. The developer shall not request any access for the subject lands upon Butler Road for a period of ten years, and if such access shall be subsequently requested, it shall be contitioned upon a public hearing of the matter and an opportunity for input by affected parties.
3. Site screening of the subject lands shall be subject to the approval of the Planning Commission.
4. No development of the subject lands shall include any of the following uses:
   a. Fuel Yard
   b. Chick Hatchery
   c. Fertilizer Storage
   d. Gas Station
   e. Tire Store
   f. Liquor Store
   g. Drive-In Theatre

The motion carried with a vote of 5 yeas to 4 nays.

POLICY/PROGRAM IMPACT

Policy or Program Change	[X] No [ ] Yes
Operational Impact Assessment	

(This space for further discussion)

Staff Recommendation:

A P.O.D district with no industrial access would be acceptable.

NOTE: This ordinance has been amended because it was originally introduced as a request from R-1 to M-1 & POD. The petitione prior to the public hearing and the publication of the legal notice requested that the entire parcel be zoned M-1. All reference to the ordinance including the legal notice in the newspapers related the rezoning request as an M-1.

Project Start Date December 3, 1982

Projected Completion or Occupancy Date July 20, 1984

Fact Sheet Prepared by Date July 20, 1984
Pat Biancaniello

Reviewed by Date

Reference or Case Number

PRESCRIBED BY STATE BOARD OF ACCOUNTS

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 353

RECEIPT

[illegible]

№ 8128

COMMUNITY DEVELOPMENT & PLANNING

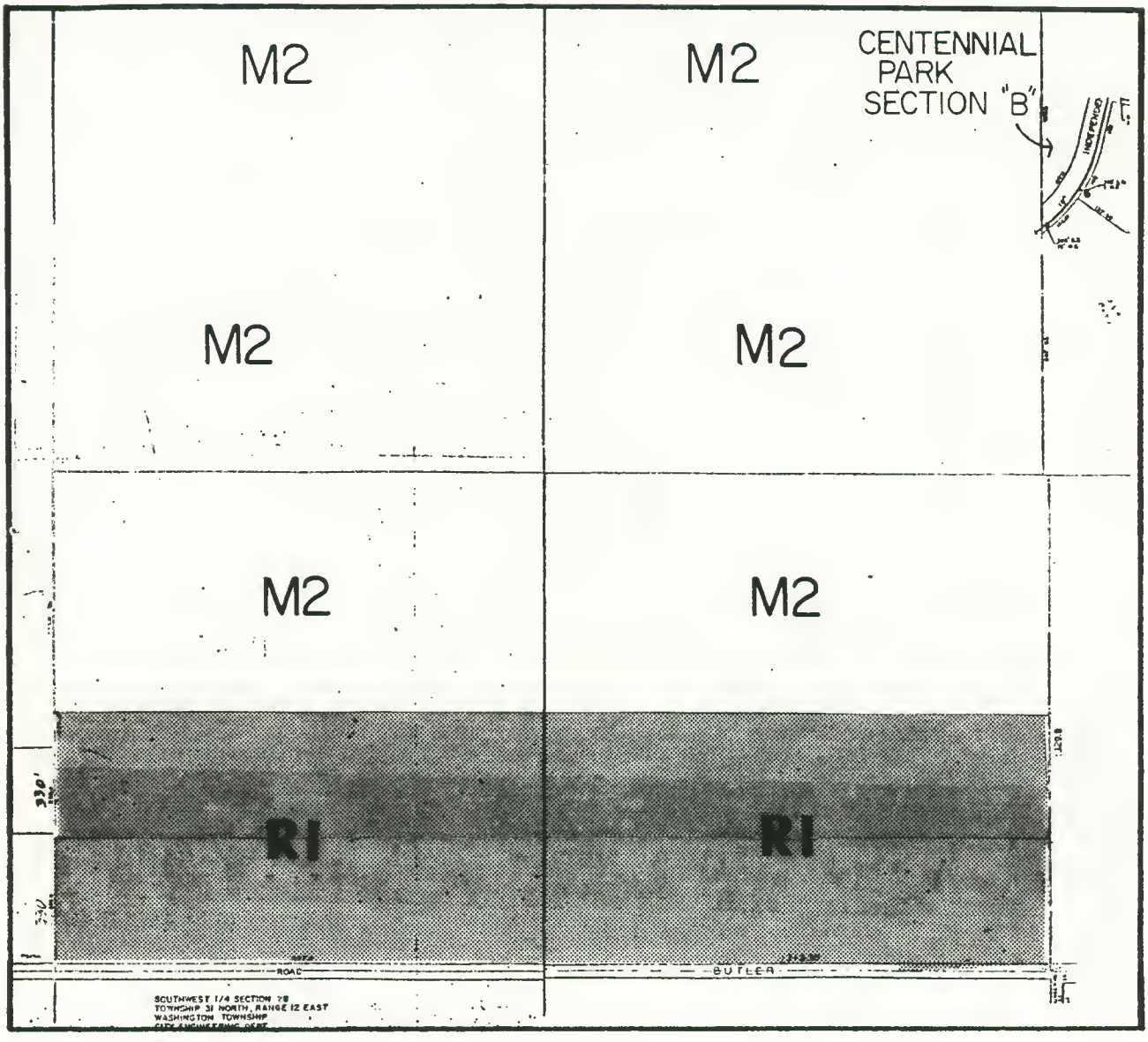
FT. WAYNE, IND., 12-3- 1982

RECEIVED FROM [illegible] & Logan $ 50.00

THE SUM OF fifty + 00/100 DOLLARS

ON ACCOUNT OF Pressing - RA to P.O.D.-M-1

AUTHORIZED SIGNATURE



APPEALS TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED **Property:**

CHANGE FROM AN R1 TO M1

MAP NO.s H-22, I-22
DATE: DEC. 3, 1982

N

Z-13-02-13 (A-AMENDED)

By M. A. Gecowets

	Yes	No (3)	(1)
Bradley	(5)	✓	
Burns	✓		
Eichhorst	✓		
Dia Quinta	✓		
Henry		✓	
Redden			abs
Schmidt	✓		
Stein		✓	
Palacios	✓		

+-4

(6)

-3

[illegible]

ORIGINAL

6178

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A parcel of land approximately 2,640' x 660' containing 40 acres ± located 130 feet east of Hillegas Road, 800 feet West of the Grand Rapids & Indiana Railroad and extending 660 feet north from the north right-of-way line of Butler Road.

3-83-02-13

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property will become P.O.D. - Professional Office District and M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.)

COPY

84-20629

RESTRICTIVE COVENANTS

CENTENNIAL DEVELOPMENT CORPORATION, an Indiana corporation, by Paul W. Seitz, its President, hereby declares that it is the owner of record of the following described real estate in the City of Fort Wayne, Allen County, Indiana, to-wit:

1984 AUG 24 PM 3:43
ALLEN COUNTY RECORDER
Virginia A. Brown

> Commencing at the Southwest corner of the East half of the Southwest Quarter of Section 28, Washington Township, Allen County, Indiana; thence East along the centerline of Butler Road a distance of 2,640 feet to a point; thence North a distance of 660 feet to a point; thence West along the line parallel to the centerline of Butler Road a distance of 2,640 feet; thence south 660 feet to the point of beginning; containing 40 acres more or less (hereinafter called the "Real Estate").

CENTENNIAL DEVELOPMENT CORPORATION, by its President, Paul W. Seitz, for and in consideration of the Common Council of the City of Fort Wayne, Indiana approving a zoning ordinance amendment of the existing zoning classification of the north 570 feet of the Real Estate from R-1 to M-1, does hereby impose upon the Real Estate, the restrictive covenants hereinafter set forth, which covenants shall run with the land and be considered as part of the conveyance of the Real Estate, or any portion thereof, without such restrictions being expressly stated in such conveyance, and which covenants shall inure to the benefit of and be enforceable by the City of Fort Wayne and/or adjacent land owners, to-wit:

1. Prior to the construction of any improvements upon the Real Estate, a development plan shall be filed by the owner(s) of the Real Estate, with the Plan Commission of the City of Fort Wayne, Indiana (hereinafter called the "Plan Commission"), which development plan must thereafter be approved by the Plan Commission in accordance with the provisions of the Zoning Ordinance of the City of Fort Wayne, Indiana.

2. Neither the owner(s) nor any party interested in the Real Estate shall be permitted or allowed access from Butler Road to or from the Real Estate for a period of ten (10) years from the date of recordation of this instrument. Thereafter, prior to any such access being permitted or allowed, the Plan Commission shall conduct a public hearing with regard thereto, with notice to all interested parties,

including the owners of record of property adjacent to the Real Estate, and the mounding to be constructed in accordance with paragraph 5 hereinafter shall not preclude such access if so approved by the Plan Commission.

3. The Real Estate may not be used for any of the following purposes, to-wit:

(a) fuel yard;

(b) chick hatcheries

(c) fertilizer storage

(d) gas station

(e) tire store

(f) liquor store; or

(g) drive-in theater.

4. Two detention ponds shall be constructed and maintained on the Real Estate to detain storm waters. One such pond shall be constructed to the west of the center line of the property and will contain approximately 2.3 acres of land. One such pond shall be placed to the east of the center line of the property and shall contain approximately 2.4 acres of land. Construction and maintenance of said ponds shall be approved by the City of Fort Wayne Water Pollutio Control Engineering Department.

5. No buildings shall be constructed in the Butler Road right-of-way which runs from the center of Butler Road to a distance forty (40) feet north thereof. Located in the area bounded between parallel lines one hundred forty (140) feet and forty (40) feet from the centerline of Butler Road, there shall be constructed, no later than December 31, 1984, mounding approximately five (5) feet in height with plant material thereon, for the purpose of providing site screening of structures and the lands dedicated to industrial park uses to the north, from lands used for other purposes to the south. Said plant material shall be installed on the mounding no later than July 31, 1985. The design and the location of said mounding and the type and location of plant material thereon must be approved by the Plan Commission staff. There shall be no buildings constructed in that portion of the Real Estate lying within a distance of one hundred forty (140) feet north of the center line of Butler Road.

The undersigned person executing this covenant represents and certifies on behalf of Centennial Development Corporation that he is a duly elected officer thereof and has been fully empowered by proper resolution, or the by-laws of said corporation, to execute and record this covenant; that Centennial Development Corporation is a corporation in good standing in the State of Indiana; that said corporation has full corporate capacity to impose the covenants set forth hereinabove; and that all necessary corporate action for the making of this covenant has been duly taken.

CENTENNIAL DEVELOPMENT CORPORATION

By: Paul W Seitz
Paul W. Seitz, Its President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, personally appeared Paul W. Seitz, the President of Centennial Development Corporation, who acknowledged execution of the foregoing Restrictive Covenants for and on behalf of said corporation, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 15 day of August, 1984.

Brenda J. Richardson
Notary Public
Resident of Allen County, Indiana

My Commission Expires:

July 18, 1986